

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Claims 1-42 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Further, claims 43-58 have been added.

Claims 36-42 were rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter (i.e., for reciting computer products stored in a computer readable medium). However, this rejection is considered moot based on the cancellation of claims 1-42.

In addition, it is noted that new claim 56 has been drafted to recite a computer-readable recording medium having a program recorded thereon. Therefore, because each of new claims 43-58 have been drafted to recite patentable subject matter, it is submitted that the Examiner's rejection under 35 U.S.C. § 101 is inapplicable to new claims 43-58.

Claims 1-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Ansell et al. (U.S. 6,367,019), Bell et al. (U.S. 2004/0156503), Okaue (U.S. 2002/0094088), Lotspiech (U.S. 6,609,116), Linnartz et al. (U.S. 7,260,219) and Hollar (U.S. 2002/0126842). These rejections are believed clearly inapplicable to new claims 43-58 for the following reasons.

Independent claim 43 recites a recording apparatus for recording encrypted content onto a recording medium. Further, claim 43 recites (1) an existence confirmation unit operable to confirm whether or not a piece of media key data exists on the recording medium when content is to be written to the recording medium. In addition, claim 43 recites (2) a writing unit operable to record the encrypted content, an encrypted content key, and the piece of media key data stored

in a storage unit onto the rewritable area of the recording medium, when the existence confirmation unit confirms that the piece of media key data does not exist on the recording medium.

As a result, even when the recording medium does not contain the media key data, it is possible to provide protection of the content recorded to the recording medium by recording the piece of media key data stored in the storage unit to the rewritable area of the recording medium.

Ansell Bell, Okaue, Lotspeich, Linnartz and Hollar, or any combination thereof, fail to disclose or suggest above-mentioned distinguishing features (1) and (2), as well as the result of the structure required by features (1) and (2), as required by claim 43.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Ansell Bell, Okaue, Linnartz and Hollar fail to disclose or suggest features similar to the above-mentioned distinguishing features (1) and (2). In light of the above the 35 U.S.C. § 103(a) rejection relies on Lotspeich for teaching limitations which are somewhat related to the above-mentioned distinguishing features (1) and (2) which are lacking from Ansell Bell, Okaue, Linnartz and Hollar.

However, Lotspeich merely teaches that, during a manufacturing process of a blank recording medium, media key data (e.g., media key block) is written to the blank recording medium (see col. 3, lines 40-47; col. 6, line 22 to col. 7, line 6; and Fig. 8). In addition, Lotspeich teaches that, when content is recorded onto a blank recording medium, a level of a media key received with the content and a level of the media key written during the manufacturing process are compared, and, if the media key received with the content is newer, then the content is encrypted with the newer media key.

Thus, in view of the above, it is clear that Lotspiech teaches comparing media key data received with content to media key data is written to the recording medium during manufacturing, but fails to disclose or suggest confirming whether or not a piece of media key data exists on the recording medium when content is to be written to the recording medium, and recording encrypted content, an encrypted content key, and a piece of media key data stored in a storage unit onto the rewritable area of the recording medium, when the existence confirmation unit confirms that the piece of media key data does not exist on the recording medium, as required by claim 43.

In other words, Lotspiech teaches that the media key data is always included on the recording medium, since the media key data is written to the recording medium during manufacturing, but fails to take into account recording the media key data onto the rewritable area of the recording medium, when the piece of media key data does not exist on the recording medium, as recited by claim 43.

More specifically, it is apparent that Lotspiech does not take into account a situation when the media key data is not included on the recording medium, and, thus, fails to disclose or suggest that even when the recording medium does not contain the media key data, it is possible to provide protection of the content recorded to the recording medium by recording the piece of media key data stored in the storage unit to the rewritable area of the recording medium, which is a result of the structure required by claim 43.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 43 and claims 44-54 that depend therefrom would not have been obvious or result from any combination of Ansell Bell, Okaue, Lotspiech, Linnartz and/or Hollar.

Furthermore, there is no disclosure or suggestion in Ansell Bell, Okaue, Lotspiech, Linnartz and/or Hollar or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Ansell Bell, Okaue, Lotspiech, Linnartz and/or Hollar to obtain the invention of independent claim 43. Accordingly, it is respectfully submitted that independent claim 43 and claims 44-54 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 55, 56, 57 and 58 are directed to a method, program, recording medium and system, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 43. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 55, 56, 57 and 58 are allowable over any combination of Ansell Bell, Okaue, Lotspiech, Linnartz and/or Hollar.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Toshihisa NAKANO et al.

/Andrew L. Dunlap/

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Andrew L. Dunlap
Registration No. 60,554
Attorney for Applicants

ALD/led
Telephone (202) 721-8200
Facsimile (202) 721-8250
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